



Amey W. Marrella
Commissioner

Permit Process Review Stakeholder Meeting

Inland Water Resources Division

July 15, 2010



Agenda

Public Act 10-158

IWRD's Regulatory Programs

Program Efficiencies & Changes

Contemplated Improvements & Challenges



Overview of Public Act 10-158

Opportunities for IWRD Regulatory Programs

“The ink from my signature on House Bill 5208 has hardly dried, but DEP has a game plan in place to take a good, hard look at how it reviews and makes decisions on permit applications.”

*“Our goal is to meet tighter deadlines for action on projects that are important to our state and its economy – **keeping and growing jobs while maintaining our environmental standards**. I believe DEP’s review of its permitting processes and recommendations for improvements will help us meet this goal.”*

- Governor M. Jodi Rell

Permit Process Review 2010



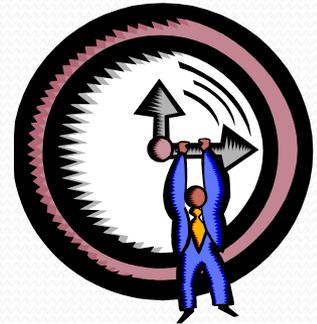
Governor Rell's Task Force - Executive Order 39

- Chaired by CEO of CT company
- Stakeholder input from CT business/industry
- Looked at processing time frames
- Recommended opportunities for streamlining

Public Act 10-158: AAC The Permit and Regulatory Authority of DEP...

- Incorporates Task Force suggestion to conduct analysis of permit timeframes
- Identify what it will take to achieve:
 - 60 days for sufficiency review
 - 180 days for technical review

Permit Time Frame Analysis



- Analyze processes for 25 permit programs
 - 6 of the 25 are in IWRD
- Identify process improvements, additional resources, staffing and programmatic changes necessary to improve upon time frames
- Public informational meetings as part of analysis
- Comprehensive report to Governor and General Assembly 9/30/2010

Search

- DEP MAIN MENU**
- » ENVIRONMENTAL PROTECTION BEGINS WITH YOU
 - » OUTDOOR RECREATION
 - » NATURAL RESOURCES
 - » AIR, LAND, WATER
 - » MATERIAL WASTE MANAGEMENT
 - » PERMITS & COMPLIANCE

"...conserving, protecting and improving the natural resources and environment of the state..."



No Child Left Inside - The Great Park Pursuit

Permit Process Assessment

Permit and Environmental Compliance Assistance



- » [DEP Calendar of Events](#)
- » [DEP Store](#)
- » [Video Library](#)
- » [Employment, Volunteer and College Internship Opportunities](#)

Current Topics

- [2010 Request for Ecosystem Management and Habitat Restoration Project Proposals](#)
- [Connecticut Celebrated Earth Day - April 22, 2010](#)
- [Earth Day 40: Connecticut's Environment Past, Present and Future \(DEP Video Production\)](#)
- [Fee Reductions for Fishing, Hunting and State Parks](#)
- [DEP's LEAN Initiative](#)
- [Longhorned Beetle](#)
- [The Municipal Primer - Your Guide to Creating a](#)

Greetings from  Amey Marrella, Commissioner

CT Keyword:

REPORT AN ENVIRONMENTAL CONCERN OR PROBLEM

- Updates & Advisories**
- [Air Quality Index](#)
 - [Black Bears](#)
 - [Forest Fire Danger](#)
 - [State Swimming Area](#)
 - [Water Quality Report](#)
 - [More](#)

- Featured Links**
- [Online Sportsmen Licensing System](#) (Purchase a hunting or fishing license)
 - [Adjudications & Environmental Hearings](#)
 - [Maps & Spatial Data](#)
 - [Pollution Prevention](#)
 - [Reduce/Reuse/Recycle](#)
 - [GreenCircle Award Program](#)

- Related Organizations**
- [CT Department of Agriculture](#)
 - [CT Department of Public Health \(DPH\)](#)
 - [CT State Emergency Response Commission](#)
 - [CT Agricultural Experiment Station](#)
 - [CT Council on Environmental Quality](#)
 - [Environmental Protection Agency \(EPA\)](#)
 - [More](#)



Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Phone: (860) 424-3000
Voice/TTY

[Directions](#)



E-ALERTS
Receive DEP news

Link to CT Flu Watch



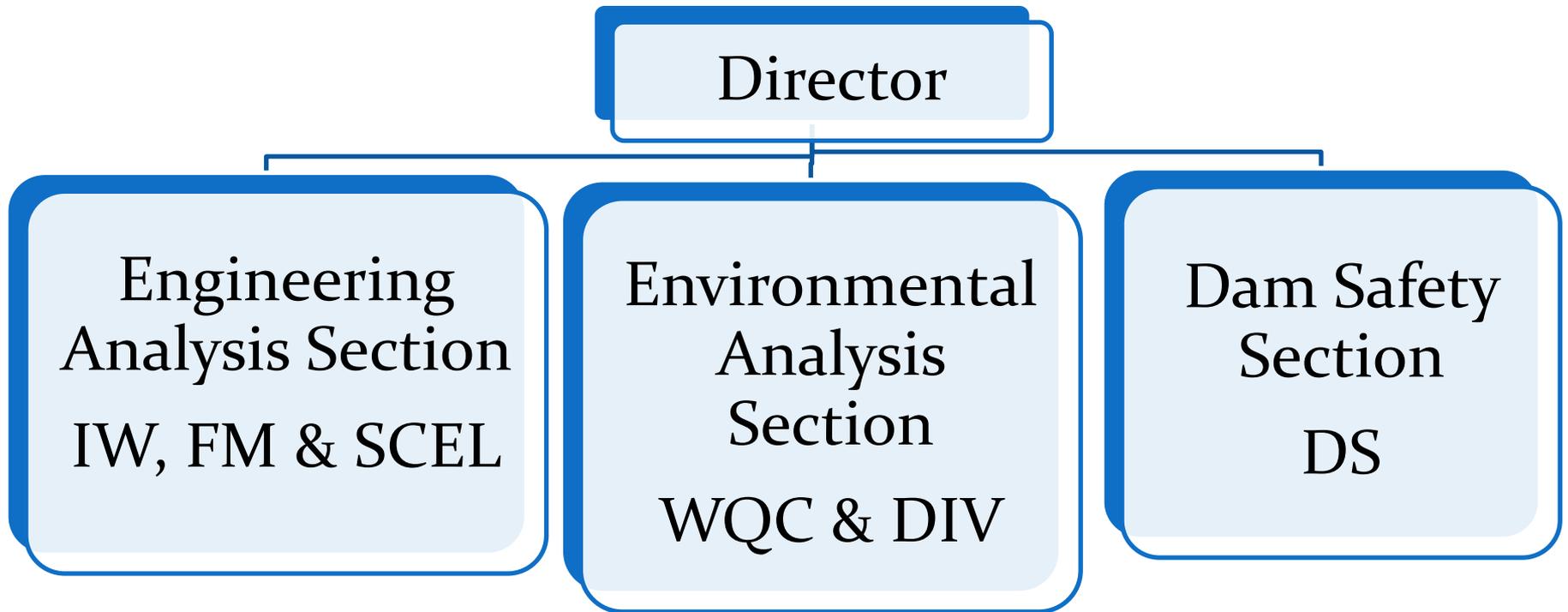
IWRD Regulatory Programs



**Inland Wetlands and Watercourses
Flood Management Certification
Stream Channel Encroachment Line
Water Diversion
Water Quality Certification
Dam Safety**



Inland Water Resources Division Organizational Chart - Regulatory



Engineering & Environmental Analysis Sections

Programs Managed

Inland Wetland & Watercourses (IW)

Flood Management Certification (FM)

Water Quality Certification (WQC)

Stream Channel Encroachment Line (SCEL)

Water Diversion (DIV)

Current Application Workload

Administer on average 250 applications / yr

Engineering Analysis Section

Current Staffing:

1 Supervisor

3 Engineers & 1 Engineering Aide

Environmental Analysis Section

Current Staffing:

1 Supervisor

4.5 Environmental Analysts

Dam Safety Section

Current staffing

- 1 Supervisor, 3 Civil Engineers, 2 Environmental Analysts

Program elements managed

- Dam Inventory
- Inspections
- Compliance - orders/engineering requests
- Permits

Current workload

- Administer 20 applications/yr
- Undertake 50 inspections/yr
- Issue and track 46 compliance - maintenance/engineering requests /yr
- Flood Response
- Technical assistance

Types of Regulatory Processes

General Permit Authorizations

(Post GP Issuance Process)

- Sufficiency & Technical Review
- 35 day period for municipal or other comments
- Standard & Special Operating Conditions
- No Public Notice
- No opportunity for Public Hearing

Individual Applications

- Notice of Application
- Sufficiency & Technical Review
- Tentative Determination With Public Notice and 30 day Public Comment Period
- Opportunity for a Public Hearing
- Approval / Denial

IWRD General Permits

Minor Grading – 5 Categories

Minor Structures – 11 Categories

Habitat Conservation – 5 Categories

Utilities and Drainage – 11 Categories

Lakes, Ponds & Basin Dredging -2 Categories

Dam Safety – 3 Categories

Diversion of Remediation Groundwater

Consumptive Diversion –Authorization Required 3 Categories

Consumptive Diversion – Filing Only 4 Categories

Consumptive Diversion - Non-filing 3 Categories

Consumptive Diversion – Reauthorization 6 Categories

ACOE - Programmatic General Permit

IWRD Regulatory Review Process

Sufficiency
Review

-Completeness

Technical Review

- Fisheries
- Wildlife
- Engineering
- Environmental
- Other



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Regulatory Programs



Inland Wetlands & Watercourses

Conn. General Statutes Sections 22a-36 through 22a-45d

IW- Inland Wetlands and Watercourses



IWRD regulates activities **undertaken by state agencies** in or affecting inland wetlands or watercourses.

DEP must consider, the impact of proposed activities on the environment including:

- wildlife
- fisheries habitats
- flooding and flood hazards
- whether there are alternatives to the proposed action that will cause less environmental impact.

Flood Management Certification

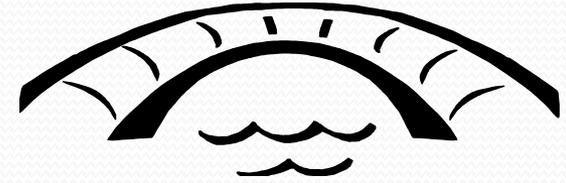
Conn. General Statutes Sections 25-68b through 25-68h



FM

Flood Management Certification

Who must apply?

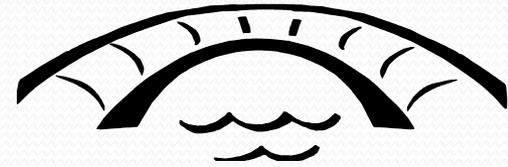


Any state agency proposing an activity within or affecting a floodplain or that impacts natural or man-made storm drainage facilities.

Such proposed **activities** may include:

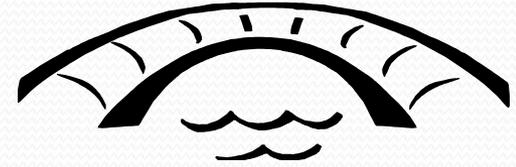
- any structure, obstruction or encroachment within the floodplain;
- any site development which increases peak runoff rates;
- any grant or loan which affects land use

Efficiencies & Changes to FM



- Issued Statewide Certifications for various state agency activities
- 2005 - Public Act - 05-174 :
 - Refined the definition of “Activity”reduced the number of applications because the activity has to take place on property that the commissioner determines to be controlled by the state
 - Established a public notice requirement for exemption requests
- 2008 – Interagency Agreement with CONNDOT for processing DOT funded Municipal Projects

Efficiencies & Changes to FM



- 2008 - DECD –Broadened Interpretation of the Use of Floodplains for Brownfield Mill Sites
- 2010 - Public Act 10-139
 - Exemption for DECD for activities occurring within a drainage basin of less than one square mile
 - Reduced elevation requirements for existing public housing

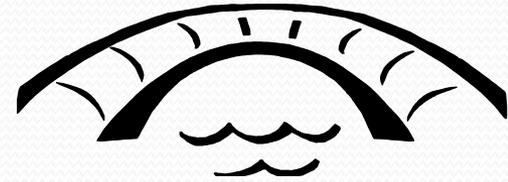


Stream Channel Encroachment Line Program

Connecticut General Statutes
Sections 22a-342 through 22a-349a



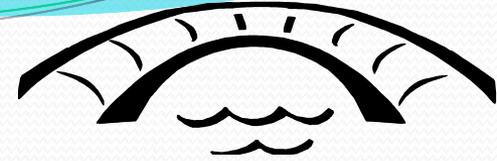
SCEL



Stream Channel Encroachment Line Program

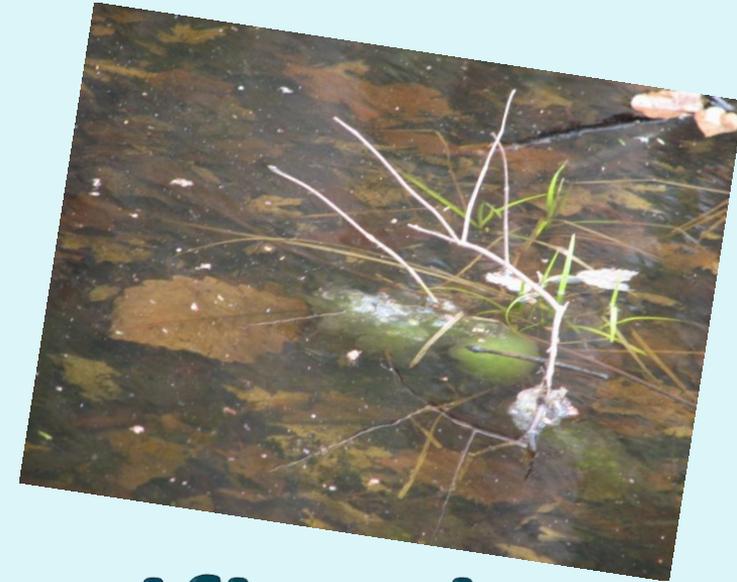
- Who must apply?
Any person proposing to place an encroachment or obstruction riverward of stream channel encroachment lines.
- Stream channel encroachment lines have been established for about 270 linear miles of riverine floodplain
- DEP must consider the impact of proposed activities on the floodplain environment, including wildlife and fisheries habitats, and on flooding and the flood hazards to people and property posed by such activity

SCEL – Recent 2005 streamlining



Public Act 05-174: Exempted additional activities:

- Open decks
- Construction of irrigation systems
- Fish habitat enhancement device
- Backfilling of foundations
- Repair or installation of septic systems
- Installation of water monitoring structures
- Installation of dry hydrants
- Driveway and roadway repair and maintenance
- Patios or walkways constructed at grade
- Temporary greenhouses
- Demolition of an existing structure
- Flood-proof existing structures

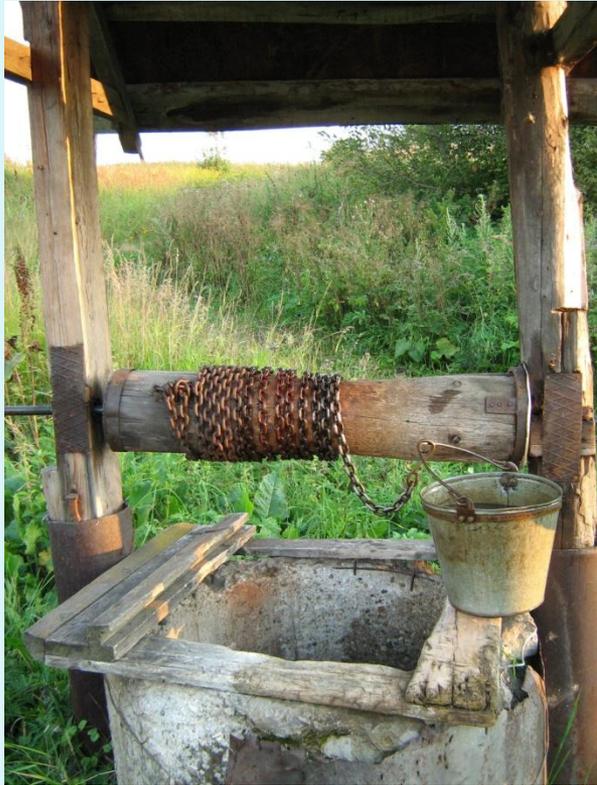


Water Quality Certification

Authority under Section 401 federal Clean Water Act

Water Quality Certification - WQC

- IWRD under Section 404 & 401 of the Federal Clean Water Act regulates any filling or dredging within federally delineated wetlands and watercourses. Such persons must obtain certification from DEP that the discharge is consistent with the Federal Clean Water Act and the Connecticut Water Quality Standards.
- Authorization under Section 404 & 401 of the federal Clean Water Act can be either through an individual application or Programmatic General Permit
 - PGP – activities with minimal impacts
 - Process includes a 30-day public comment period for individual applications
 - 10-year average = 50 apps per year (25 individual, 25 PGP)



Water Diversion

Connecticut General Statutes
sections 22a-365 through 22a-378a

Water Diversion - DIV

- Permits required for:
 - Withdrawal of surface water > 50,000 gallons per day
 - Groundwater withdrawals > 50,000 gallons per day
 - Alteration or modification of watercourses or waterbodies
- Process includes a 30-day public comment period
- 2003 Diversion Amnesty Program (Public Act 01-202) resulted in an immense diversion permit backlog.



2007 Streamlining Efforts

**Consumptive Use Diversion
General Permits**

Noteworthy 2007 Revisions to the Consumptive Use Diversion General Permits

- Reworked application form to clarify information requirements
- Created a separate non-filing general permit for remediation of groundwater
- Created 3 new GPs with new categories

Noteworthy 2007 Revisions to the Consumptive Use Diversion General Permits

- Extended GP duration to 10 years from previous 5 years
- Created a streamlined renewal application for previous authorized activities
 - Created a “Filing-only” renewal process
 - Fast-Track Renewals of existing GP’s at equal to or less amounts through a short form process
 - Included review of compliance and annual report history
 - Provided for all previous authorized activities to continue uninterrupted

Consumptive Use Diversion General Permits

Before 2007

- One GP – Authorization Required
- Many Delays – 6 months to Over 1 year to receive a GP
- Often a Backlog of 30+ Requests
- GP Expired June 2007

After 2007

- New GP's – Non-Filing & Filing Only
- New Categories
- Expedited Process for Renewals
- Eliminated Backlog
- Provide for additional flexibility
- More certainty for applicants
- On track with meeting goal of processing GPs within 120 days



Dam Safety Program

Conn. Gen. Statutes Section 22a-401 through 22a-411

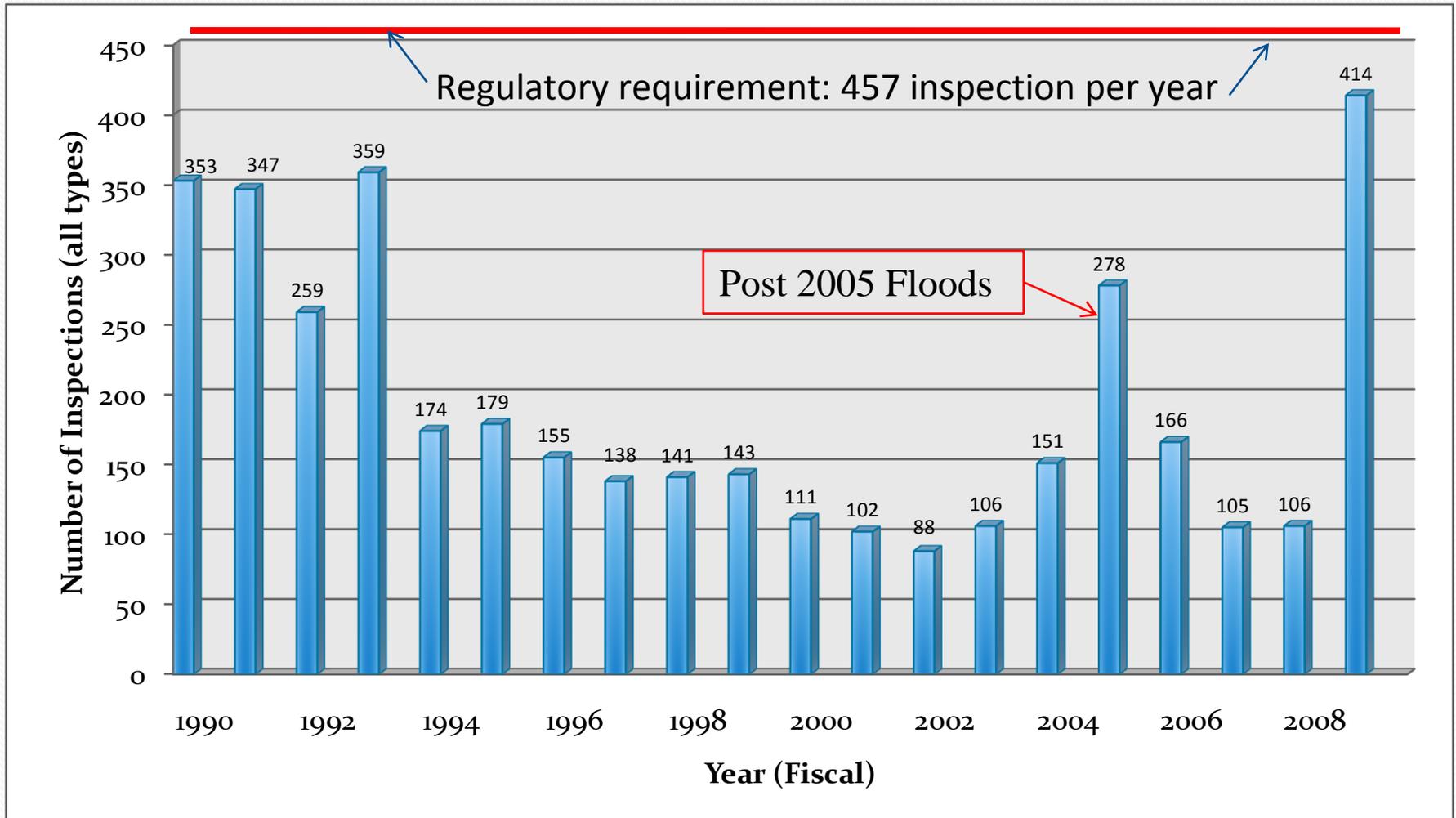
Dams... Dams... Everywhere

- IWRD estimates that there are 5,500 dams on the landscape.
- Over 3,000 dams are regulated as having some degree of hazard should they fail
- Connecticut has many more dams than most other states due to early industrialization and the existence of numerous small watersheds in the state.
- DEP has regulatory authority over more dams than any other New England state.
- The vast majority of dams (72%) are privately owned.
- State is largest single owner of dams- 265 state-owned dams

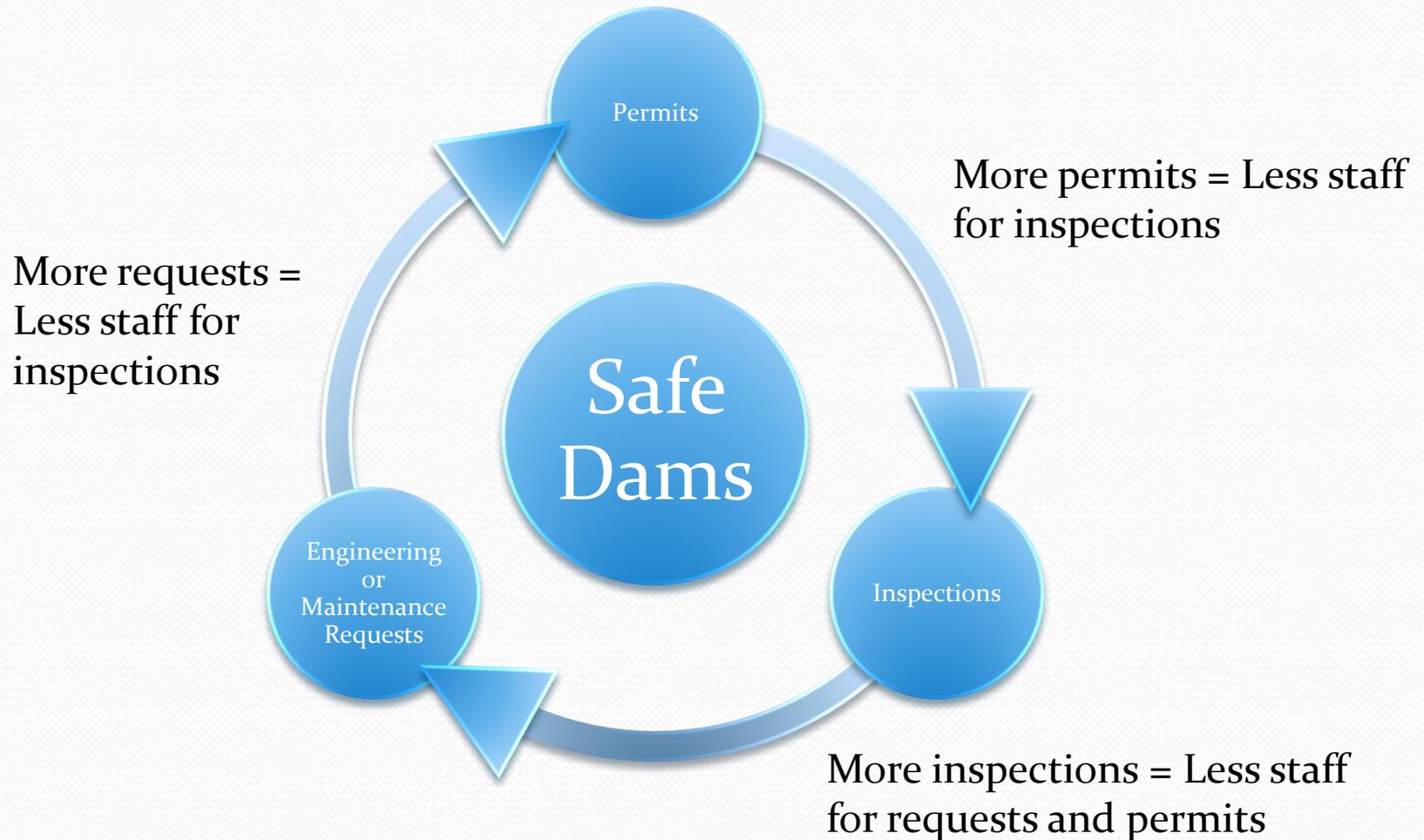
Regulatory Inspection Requirements based on Hazard Class

Dam Hazard Classification	Number of Dams	Regulatory Inspection Period / Frequency (yrs)	Number of Dam Inspections per Year
C – High Hazard	227	2	114
B – Significant Hazard	198	5	40
BB – Moderate Hazard	889	7	127
A – Low Hazard	1772	10	177
TOTAL	3086		457

Annual Dam Safety Inspections 1990 to 2009



Statute Based on Assuring Dam Integrity and Public Safety



Permit Application Process

- Dam Safety applications represent complex evaluations of engineering issues, environmental issues, social benefits, water rights, property ownership, etc...
- Expected number of permit applications each year highly variable.
 - Dependent on number of regulatory inspections performed
 - Dependent upon Engineering Requests issued and follow-up undertaken
 - Dependent upon Flood Events

Recent 2007 Changes to Dam Safety Statutes

- NEW. Required the owner of property where a high or significant hazard dam is located to record on land records the existence of the dam and its hazard class. (CGS 22a-402(b)).
- NEW. Gave the chief executive official of a municipality the authority to inspect a dam when such official reasonably believes that a public safety concern exists (CGS 22a-409(a)).

Program Efficiency Management

Lean:
Sufficiency /
Administrative
Review Process



Why Lean at DEP?

To **eliminate time-consuming steps** that add no value.



Enabling us to focus on our agency's mission
Protecting the Environment!

IWRD LEAN Project – 10/2008



Scope

To identify waste in the sufficiency review and administrative processes in IWRD for the various land-use permitting programs.

Goals

- Reduce response times to applicants by 40%
- Standardize work procedures
- Improve communication
 - 6 programs → 2 disciplines
- Progress to Electronic Filing

Sample of an Application Timeline



The application process took up to 3+ years.

Pre LEAN Regulatory Process

Track ♦ 6 lanes

Steps in the process ♦ 57

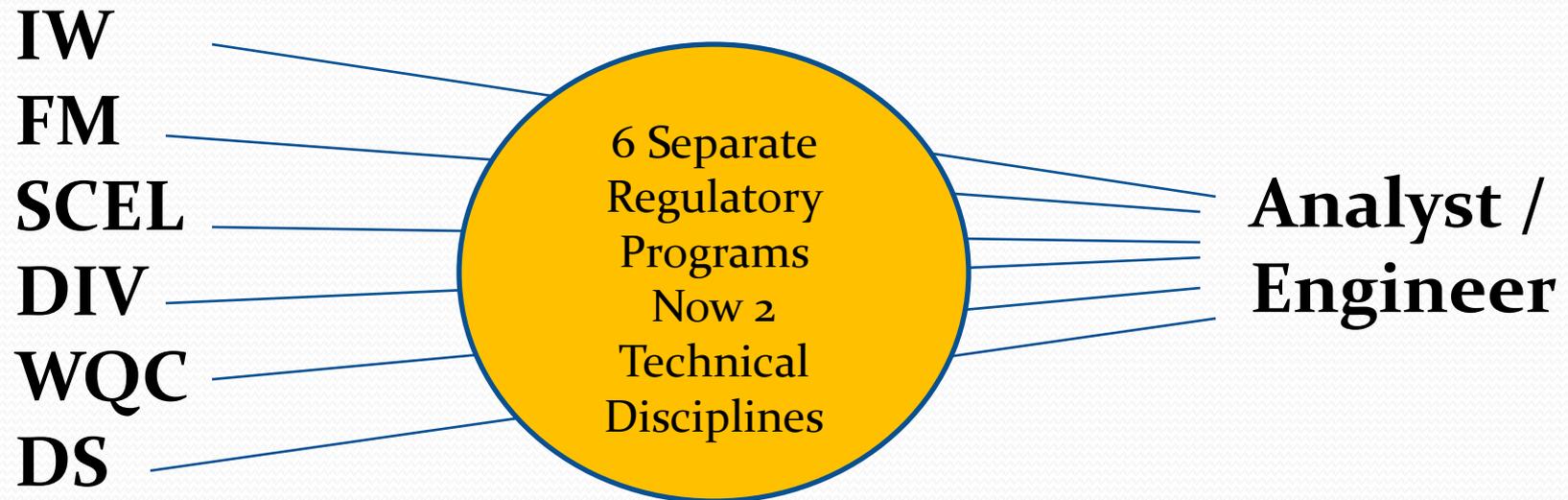
Time to make a decision ♦ 125 to 210 days

Physical Movement ♦ 913 steps

Databases ♦ 10



Standardizing the Work.....



New Regulatory Process

1 Lane

Steps in the process = 14

Time to Complete Sufficiency Review = <90 days

Physical Steps = 234

1 Database

Reduced
functional steps
from 57 to 14

New Sufficiency Review Process

Central Permit Processing Unit

IWRD Daily Pickup & Distribute file To supervisor

Supervisor assigns / delivers application to staff and starts schedule in SIMS

Staff Performs Sufficiency Review(engineering & environmental)

Coordination Meeting Every 2 weeks to Determine: Lead, PGP Eligibility & Coarse Review

Notice Of
Insufficiency

Minor
inconsistencies

Administrative Letter

Application
sufficient

Forward for
tech review

Application Insufficient Reject & Close file

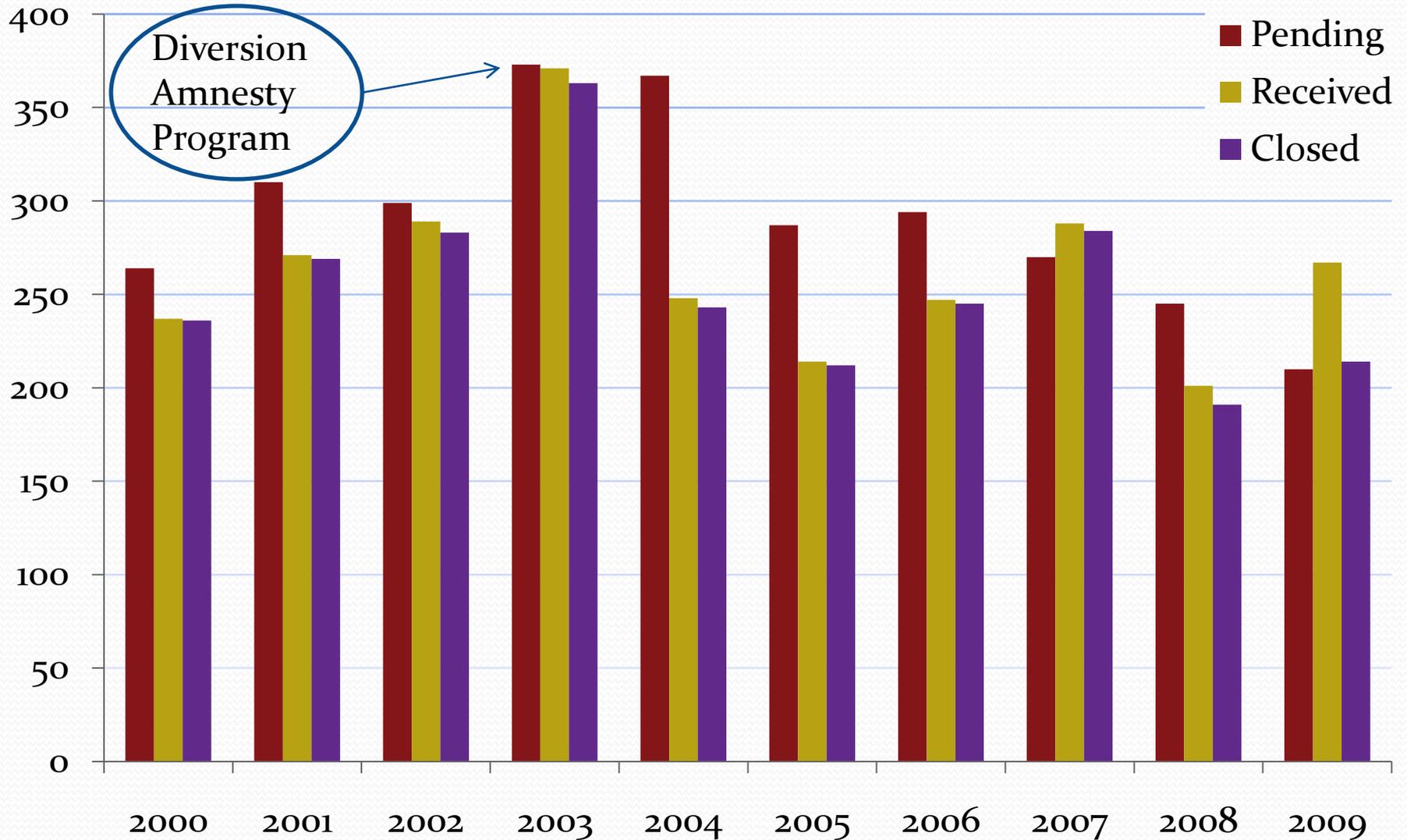
IWRD LEAN Commitment

- Committed to continuous process improvement.
- IWRD goal of completing sufficiency review within 90 days on all applications.
- DEP understands and recognizes that your application is important.
- IWRD will assign a single staff person as point of contact for each application.
- DEP welcomes feedback....could forms be clearer?

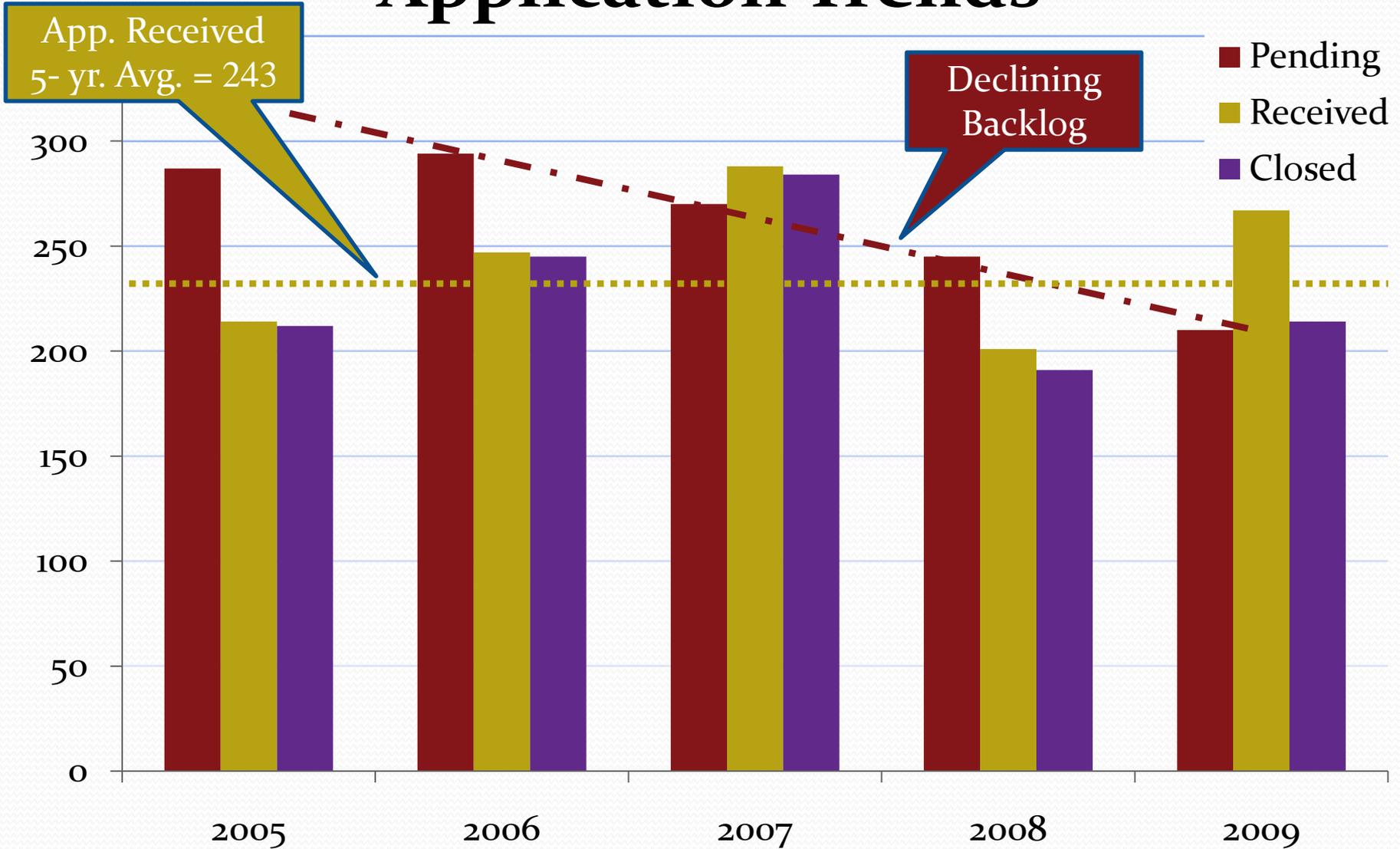


**Are the Programmatic
Efficiencies Working ?**

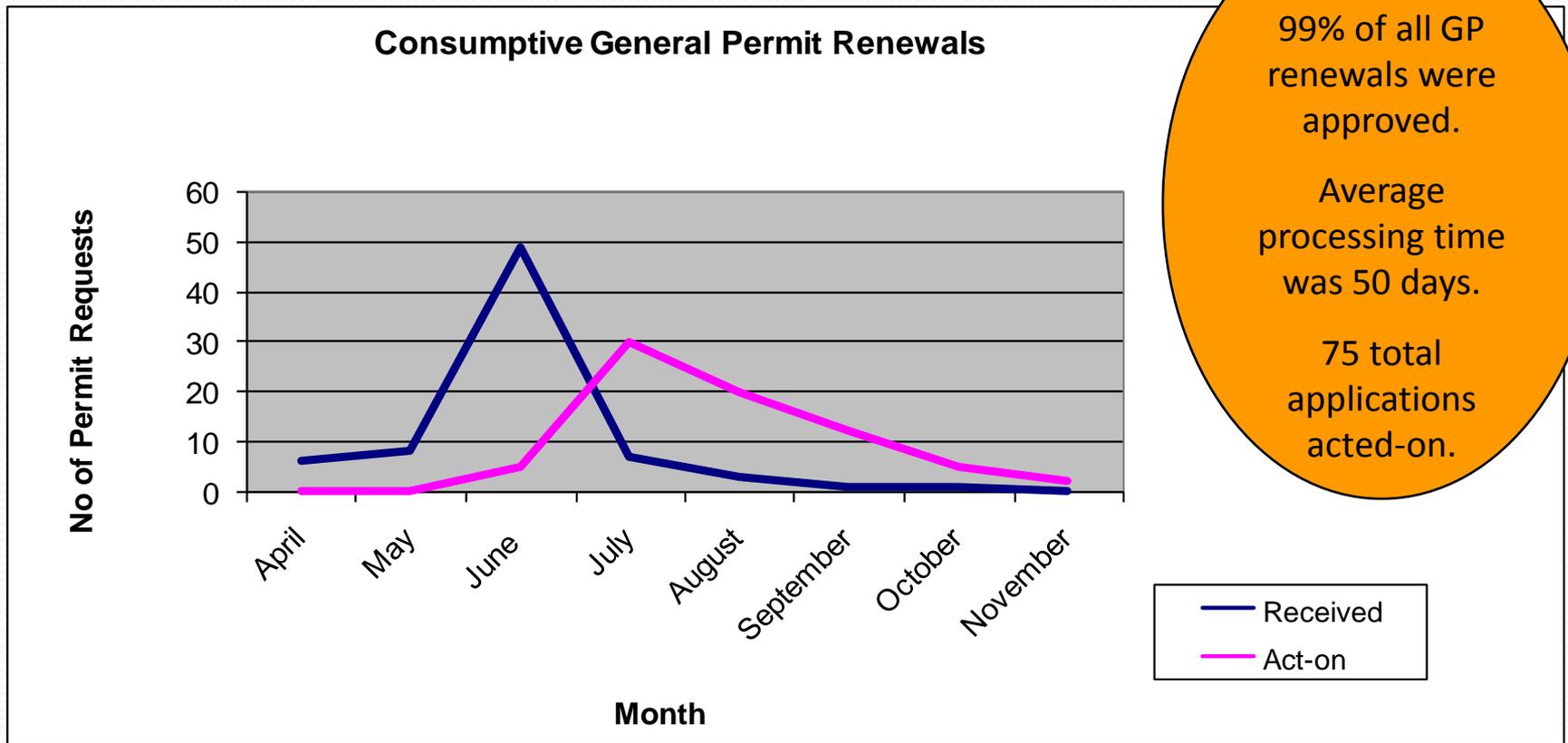
IWRD PERMITTING HISTORY



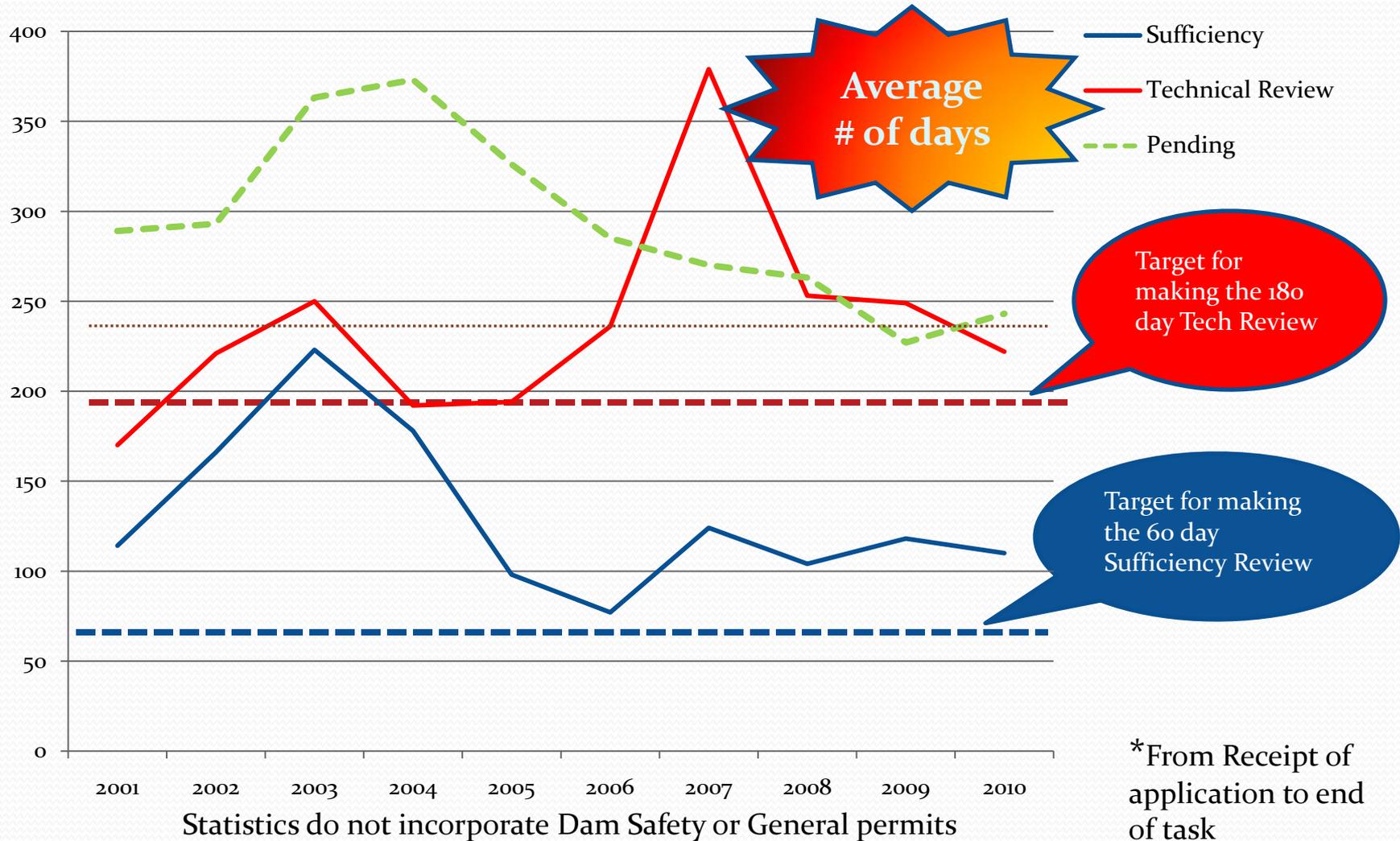
Application Trends



GP Revisions A Success



Application Review Processing Timeframes



Current IWRD Lean Statistics 2009

Sufficiency Review

80% completed within 90 days of receipt
15% of all applications rejected

Technical Review

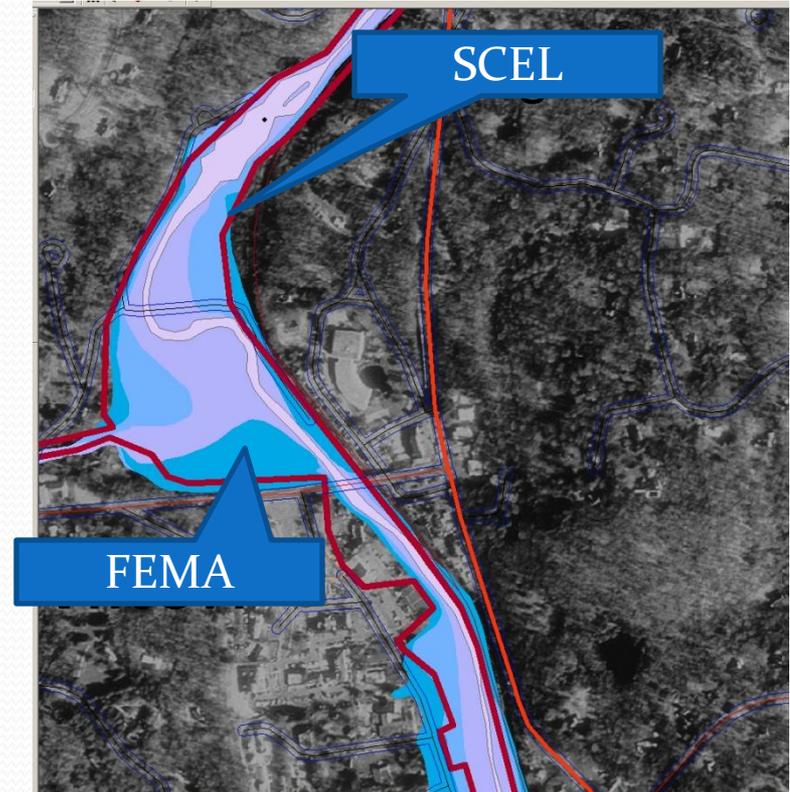
60% completed within 90 days of receipt
20% detailed technical review phase

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Contemplated Improvements

Has the Stream Channel Encroachment Line Program outlived its usefulness?

- Since the creation of the **Stream Channel Encroachment Line Program** several regulatory programs have been created that regulate development within floodplains.
- Extent of SCEL jurisdiction is a **VERY** small amount of stream miles in CT
 - 5,830 river miles total in CT
 - Only 270 linear miles of stream regulated under SCEL



Construction General Permits



- GP's will expire June 2012
- Meet with stakeholders this fall to investigate expanding existing categories and look at creating new general permits such as:
 - Removal of partially breached dams
 - Removal of negligible hazard dams
 - Stream bank stabilization
 - In kind structure replacement or maintenance with no change in grade
 - Building foundation dewatering systems
 - Others?

Current PGP Expires May 31, 2011

- Discussions with US Army Corps of Engineers New England District for renewal are in progress
- Evaluating opportunities to expand coverage and to refine and clarify conditions for eligibility
- Corps of Engineers is considering alternatives to the current PGP model - Nationwide Permits; Regional General Permit

Suggestions to Improve the Dam Safety Process

- Provide workshops for engineers/professional staff on requirements of complete dam safety applications
- Educate private dam owners on the obligations and responsibilities associated with dam ownership
- Consider implementation of owner responsible inspection approach
- Require all high and significant hazard dams to have up-to-date Emergency Action Plans in place.
- Create incentives for dam removal where appropriate



CHALLENGES

Challenges

- Average number of permit applications received has been fairly steady despite economic climate
- Workload will likely increase as economy improves
- Variability in application submittal rate on a monthly basis makes meeting permit time frame goals difficult
- Climate change likely to affect permit programs and policies

Challenges

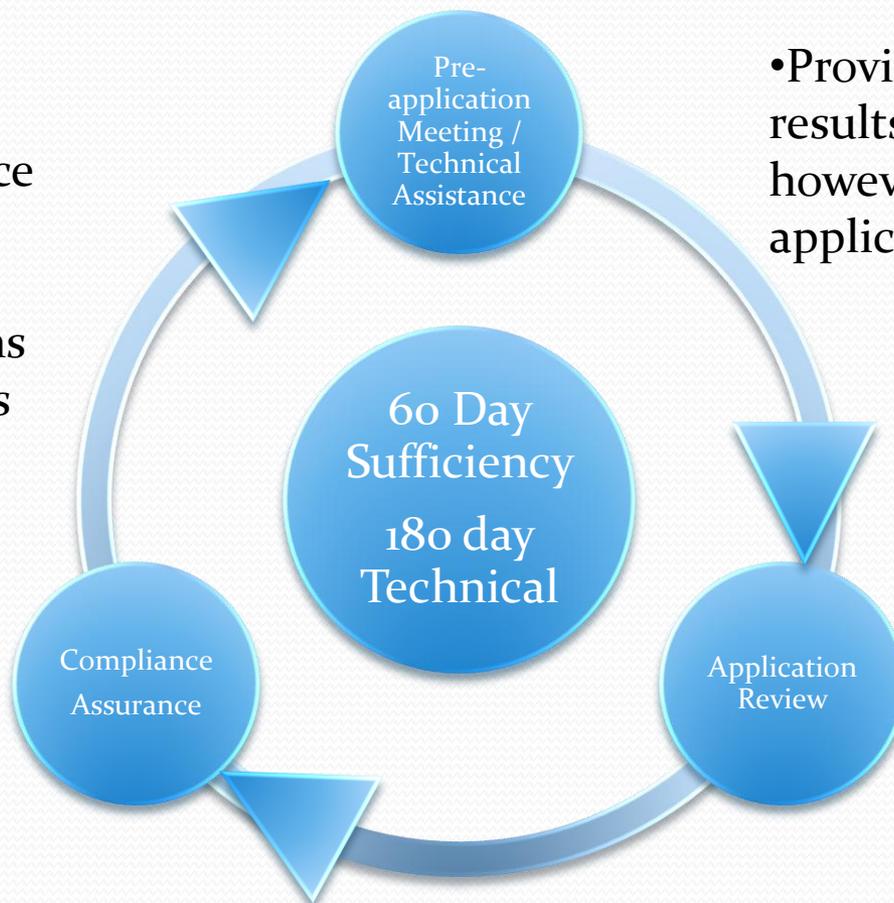
- Loss of staff, inability to refill positions
 - 2009 Retirement Program
 - 2 Supervisors with over 75+ years of experience
 - 12% IWRD staff currently eligible to retire
 - IWRD attrition averages 1 person per year
- New mandates
- American Recovery & Reinvestment Act
- Budget challenge

Challenges

- Land use based permitting depends upon assistance from natural resource specialists from Wildlife, Fisheries and Remediation
 - Timeliness of assistance for technical reviews from other divisions is subject to their programmatic workload and their staffing levels
- Uncertainty about which land use permits might be locally controversial and request hearings.
 - Hearings are time and staff intensive.

Challenges in Meeting Target Time Frames

- Providing technical assistance in the field takes time away from review applications however it reduces the number and complexity of compliance issues in the long run.



- Providing technical assistance results in a better application however it takes away from application review time

- Time frames for application reviews varies depending on economic climate.

- Implementing programmatic efficiencies is resource intensive (GP development, etc.)

Challenges

All IWRD staff are redirected from their daily responsibilities to assist with flood response during and after major storm events



RECENT EVENTS

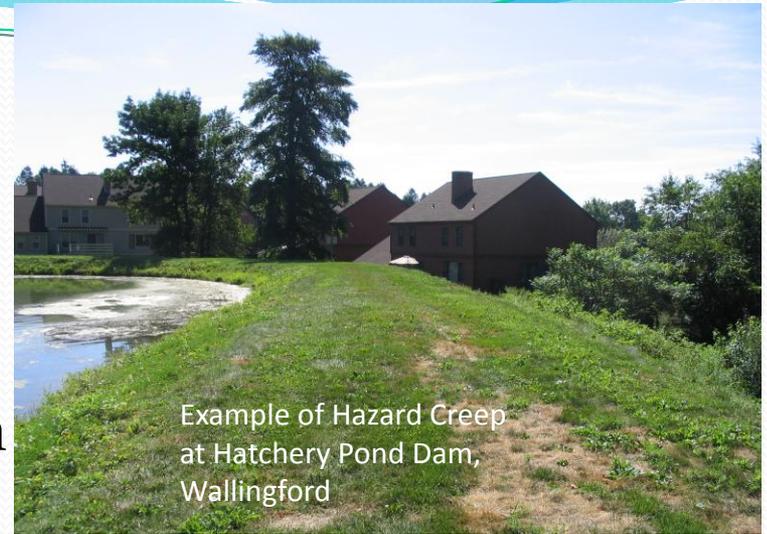
- October 2005
- April 2007
- January 2010
- March 2010

Dam Safety Program Challenges

- Public safety is greatly enhanced by having up-to-date Emergency Operation Plans (EOPs).
- Mechanisms are needed to shorten the time frame for resolution of orders issued to either repair or remove unsafe dams.
- Removal of dams is often complicated due to contaminated sediments.
- Creative funding options that support dam removal are needed.
- Global climate change may further stress dams.
- Insufficient resources to carry out mandated state dam safety inspections.

Hazard Creep

- Hazard classification of dams requires periodic updating due to continuing development within inundation zones downstream.
- Hazard creep is suspected to be one of the greatest areas of dam safety concern for the future.
- Hazard creep is the process by which a previously low or negligible hazard dam, that had no homes in the downstream flood/inundation zone now has new development downstream that increases the hazard potential of the dam.



Example of Hazard Creep
at Hatchery Pond Dam,
Wallingford

Resources Needed to meet P.A. 10- 158 Permit Timeframe goals

- **Environmental & Engineering Analysis Sections**
 - 2 additional Civil Engineers
 - 1 additional Environmental Analysts

- **Dam Safety Section**
 - 3 Civil Engineers

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Feedback

Feedback

What are we doing right?

How can we improve?

Send other feedback or thoughts to Denise Ruzicka at:

Denise.Ruzicka@ct.gov

Questions?

